IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 38 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHHAYAGAURI BIPINBHAI SAKARWALA

Versus

VANITABEN CHHOTALAL SANGHVI

Appearance:

1. Special Civil Application No. 38 of 1993

MS DARSHANA S PANDIT for Petitioner No. 1

RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/12/2004

ORAL JUDGEMENT

1. On 29/11/2004, while adjourning the matter, this Court had made it clear that on the next date the matter

would be taken up for hearing in the first round itself. Today, none present for the parties.

2. The petitioner has preferred this petition in order to quash and set aside the order dated 06/09/1991 passed by the respondent herein and to direct the respondent to not obstruct the use of margin land by the petitioner beyond 10' from the tenament in possession of the respondent.

3. While admitting the matter on 22/01/1993, by way of interim relief, the respondent was restrained from causing any obstruction and interference in the construction of the said plot, which was done in accordance with the permission of Ahmedabad Municipal Corporation.

4. By efflux of time, the relief claimed by the petitioner cannot be granted, and therefore, the petition has become infructuous. It stands disposed of accordingly. Rule is made absolute in terms of interim relief granted by this Court.

(K. S. Jhaveri, J.)

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